

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:16-cv-03088-
)	ELR
STATE OF GEORGIA,)	
)	
Defendant.)	
)	

**UNITED STATES’ MEMORANDUM IN SUPPORT OF ITS MOTION FOR
LEAVE TO FILE DOCUMENTS UNDER SEAL**

Pursuant to this Court’s Amended Protective Order, ECF No. 118-2, Plaintiff United States of America moves this Court for leave to file Exhibits 7-23, 28, and 35-42 to the United States’ Corrected Opposition to Defendant’s Motion for Summary Judgment (ECF No. 448-1), Corrected Responses to Defendant’s Statement of Undisputed Facts (ECF No. 448-2), and Additional Statement of Undisputed Material Facts (ECF No. 448-3) under seal. The Exhibits contain Confidential Information protected under the Amended Protective Order, including personally identifiable information about individual students and their parents.

In addition to the names of students and their parents, many of these exhibits contain other information deemed “Confidential Information” under the Amended

Protective Order, such as students' dates of birth, the schools that students attend(ed), students' educational records, personal home addresses, phone numbers, email addresses, and parents' signatures. Students and their families have a strong interest in maintaining the confidentiality of this personal information.

In determining whether documents may be filed under seal, courts "balance[e] the public interest in accessing court documents against a party's interest in keeping the information confidential." *Romero v. Drummond Co.*, 480 F.3d 1234, 1246 (11th Cir. 2007). Through this balancing analysis, "courts consider, among other factors, whether allowing access would impair court functions or harm legitimate privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents." *Id.*

In moving this Court to enter the Amended Protective Order, the parties agreed that they should protect certain Confidential Information, including the identifying information of students and their families. *See* ECF No. 118; ECF No. 118-2 at 1-2. Allowing the public to access information such as students' names and dates of birth, personal home addresses, and educational records, among other

personally identifying details, would significantly harm the legitimate privacy interests of students and their families. The Exhibits the United States seek to file under seal contain numerous references to Confidential Information, making it impractical to file the documents without doing so under seal. The alternative would require the United States to file documents with numerous redactions, leaving many pages illegible and hiding pertinent information from the Court.

Based upon the foregoing, the United States of America respectfully requests that this Court grant this motion for leave to file Exhibits 7-23, 28, 35-38, and 40-42 to the United States' Corrected Opposition to Defendant's Motion for Summary Judgment (ECF No. 448-1), Corrected Responses to Defendant's Statement of Undisputed Facts (ECF No. 448-2), and Additional Statement of Undisputed Material Facts (ECF No. 448-3) under seal.

Dated: November 30, 2023

Respectfully submitted:

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COURT FOR THE NORTHERN DISTRICT
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UNITED STATES OF AMERICA,

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DEFENDANT.

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Certificate of Compliance

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing motion has been prepared using Times New Roman, 14-point font.

November 30, 2023.

/s/ Crystal Adams

CRYSTAL ADAMS

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Certificate of Service

I served this document today by filing it using the Court's CM/ECF system,
which automatically notifies the parties and counsel of record.

November 30, 2023.

/s/ Crystal Adams

CRYSTAL ADAMS